

1 Heinz Binder (SBN 87908)
2 Robert G. Harris (SBN 124678)
3 BINDER & MALTER, LLP
4 2775 Park Avenue
5 Santa Clara, CA 95050
6 Tel: (408) 295-1700
7 Fax: (408) 295-1531
8 Email: Heinz@bindermalter.com
9 Email: Rob@bindermalter.com

10 Attorneys for TURN, The Utility Reform Network

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re
PG&E CORPORATION

and
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

- Affects PG&E Corporation
 Affects Pacific Gas and Electric Company
 Affects both Debtors

* All papers shall be filed in the Lead Case
No. 19-30088 DM.

Case Nos. 19-30088 DM (Lead Case)
19-30089 DM

Chapter 11
Jointly Administered

Date: May 8, 2019
Time: 9:30 a.m.
Place: Courtroom 17
450 Golden Gate Avenue
San Francisco, California

DKT # 1324

OBJECTION DEADLINE: April 24, 2019

**DECLARATION OF ROBERT G. HARRIS IN SUPPORT OF MOTION BY TURN FOR
APPOINTMENT OF OFFICIAL COMMITTEE OF RATEPAYER CLAIMANTS
PURSUANT TO 11 U.S.C. §§ 1102(a)(2), 105(a)**

1 I, Robert G. Harris, know that the following statements are true based on my personal
2 knowledge, except where indicated that it is of my information and belief, in which case I believe
3 the statement to be true. If called as a witness, I could and would testify competently to the
4 following:

5 1. I am a member of the State Bar of California in good standing and am admitted to
6 practice before this Court. I am a partner in Binder & Malter, LLP. My firm is counsel for The
7 Utility Reform Network (“TURN”).

8 2. The above-captioned bankruptcy cases were filed on January 29, 2018. On February
9 6, 2019, TURN wrote to the United States Trustee to request that an official committee of ratepayer
10 claimants be appointed to represent the interests of the residential and small business ratepayers in
11 PG&E’s service territory.

12 3. The U.S. Trustee held a meeting to form an official committee of unsecured creditors
13 on February 11, 2019. On February 12, 2019, the U.S. filed its Appointment of the Official
14 Committee of Unsecured Creditors [Dkt. #409]. On February 21, 2019, the U.S. Trustee filed its
15 Amended Appointment of the Official Committee of Tort Claimants [Dkt #530].

16 4. On February 20, 2019, the U.S. Trustee responded to TURN’s request for an official
17 committee of ratepayer claimants, concluding that “... appointment of such a committee would be
18 outside the United States Trustee’s statutory authority and is not appropriate at this time.” The U.S.
19 Trustee supplied the following legal analysis: “11 U.S.C. § 1102(b) governs committee
20 appointments and composition. Section 1102(b)(1) requires that the United States Trustee appoint
21 persons who hold claims against the debtor to serve on official committees. To be eligible for
22 appointment, prospective members must qualify under the Bankruptcy Code as ‘persons’ and must
23 ‘hold claims against the debtor.’ See 11 U.S.C. §§ 101(10) and (41).” A true and correct copy of the
24 February 20, 2019 letter from the U.S. Trustee is attached hereto Exhibit “A”

25 5. On March 21, 2019, following a phone call I made to U.S. Trustee about a potential
26 ratepayer claimants committee, I received a letter advising that “[t]he United States Trustee’s
27 position remains the same and, accordingly, no action will be taken at this time. If you have
28 additional information or documentation regarding TURN’s request, please feel free to forward that

1 to my attention. Thank you again for reaching out, and please let me know if you would like to
2 discuss this matter further.” A true and correct copy of this letter is attached hereto as Exhibit “B”.

3 6. On April 5, 2019, I sent to attorney Timothy Laffredi at the Office of the U.S. Trustee
4 a letter with a draft of the Motion and excerpts of the documents attached Exhibits “A”, “B” and “C”
5 to the supporting Declaration for Mark Toney. On April 9, 2019, attorney Timothy Laffredi advised
6 that the U.S. Trustee had not changed his position on appointment of a ratepayers’ committee and
7 authorized TURN to so state in its filings.

8 I declare under penalty of perjury of the laws of the United States that the foregoing is true
9 and correct. Executed this 10th day of April, 2019, at Santa Clara, California.

10

11

/s/ Robert G. Harris

12

Robert G. Harris

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

2